

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----x Chapter 7

In re

Case No. 11-42390 (NHL)

IMAGE RENT A CAR, INC.,
Debtor.

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**DECLARATION OF SCHNEIOR ZILBERMAN IN SUPPORT OF DEBTOR'S
APPLICATION FOR AN ORDER EXPUNGING CLAIMS**

Schneior Zilberman affirms and states:

1. I am the former president of Image Rent A Car, Inc. ("Debtor"). The Declaration is submitted in support of the Debtor's application to expunge and reduce the claim of Creditor Digby Adler Group, LLC d/b/a Bandago ("Digby").

2. I have read the objection filed by Digby, the affidavit of Sharky Laguna, president of Digby (Doc. 88), the Claim of Digby, Claim # 4 (the "Digby Claim"), and the complaints filed by Digby in the lawsuit filed in the Northern District of California entitled *Digby Adler Group, LLC d/b/a Bandago v. Image Rent A Car, Inc., Van Rental Co., Inc., Gad Sebag, and Schneior Zilberman*, Case No. 10-CV-00617-SC (the "NDCA Litigation").

3. I have read the Debtor's application to expunge or reduce the Digby Claim and it is true and correct based upon my personal knowledge.

4. Digby alleges that it was harmed when the Debtor registered and used the domain name WWW.BANDAGO.NET. This is false. As exhibit B attached hereto shows, the site received minimal web traffic. The Debtor never received a single sales inquiry where a potential customer said that they were attempting to rent a vehicle from Digby. When the NDCA Litigation was first filed, the domain registrar for WWW.BANDAGO.NET put a lock

on the domain as shown in Exhibit C attached hereto. As a result, the domain has not been used or transferred since the NDCA Litigation was filed.

5. All the claims asserted by Digby in the NDCA Litigation combined are of minimal actual value. Attached as Exhibit D is the Offer of Judgment that the defendants in the NDCA Litigation made for \$1,501.00. The offer was made in good faith based upon the defendants' assessment of the potential damages recoverable by Digby.

I swear, under penalties of perjury of the laws of the United States of America that the above and foregoing is true and correct.

Dated: December 9, 2013

/s/ _____
Schneior Zilberman